

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: SAIDHA, Tekchand Art Unit: 1652  
Re: Application of: KIM, Young Tae, *et al.*  
Serial No.: 10/551,508  
Filed: June 5, 2006  
For: **GENE INVOLVED IN THE BIOSYNTHESIS  
OF CAROTENOID AND MARINE  
MICROORGANISM, PARACOCCUS  
HAEUNDAENSIS, PRODUCING THE  
CAROTENOID**  
Confirmation No.: 8016

**DECLARATION OF DEPOSITOR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SIR:

I, KIM, Young Tae hereby state:

1. That I am a co-inventor of the above-identified patent application.
2. That, on January 24, 2003, I deposited a sample of

*Paracoccus haeundaensis*

with the *Korean Culture Center of Microorganisms* at 361-221, Yurim B/D Hongje-1-dong, Seodaemun-gu, Seoul, the Republic of Korea in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number **KCCM-10460**.

A copy of the accession agreement is annexed hereto as Exhibit A.

3. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited material

referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited material will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of any of the deposited material was received by the KCCM and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

\* June 8, 2009  
Date

  
\_\_\_\_\_  
Depositor

## **Exhibit A**

Deposit Receipt for KCCM-10460 in U.S. Ser. No. 10/551,508



BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To: Young Tae Kim  
Pukyong National Univ. Lab. of Biochemistry,  
Department of Microbiology 599-1,  
Daeyeon-3-Dong, Nam-Gu, Busan,  
608-737, Korea

RECEIPT IN THE CASE OF AN ORIGINAL  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified at the bottom of this page

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the <b>DEPOSITOR :</b> <i>Pracoccus haeundaensis</i>	Accession number given by the <b>INTERNATIONAL DEPOSITORY AUTHORITY:</b> KCCM-10460
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Jan. 24. 2003. (date of the original deposit) <sup>1</sup>	
<b>IV. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name : Korean Culture Center of Microorganisms  Address : 361-221, Yurim B/D Hongje-1-dong, Seodaemun-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: Feb. 3. 2003.

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.